

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Paul Taylor on 17 October 2011.

The application has been amended as follows:

In the claims:

Amend claim 37, as indicated:

37. The device of claim 17, wherein the plurality of tines ~~further~~ comprises primary tines having a first length and the device further comprises secondary tines having a second length.

Amend claim 52, as indicated:

52. The device of claim 50, wherein the plurality of substantially straight tines ~~further~~ comprises primary tines having a first length and the device further comprises secondary tines having a second length.

Information Disclosure Statement

In the IDS submitted on 15 August 2011, Applicant lists applications 13/112618, 13/112631, and 13/153594 and in the IDS submitted on 30 September 2011, Applicant lists application 13/222899. Examiner is not sure what part of the application Applicant intends for Examiner to consider. Given the lengthy and involved nature of many cases

and the time constraints on examination, it is not reasonable to expect Examiner to consider the entire prosecution history of an application.

Allowance

The following is an examiner's statement of reasons for allowance: The following is an examiner's statement of reasons for allowance: The prior art of record fails to disclose or render obvious the combination of features as claimed. In particular, the prior art of record fails to disclose an annular tissue clip that moves between a flat configuration and a cylindrical positing have a plurality of tines passing through the central axis of the clip in the flat configuration.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lindsey Bachman whose telephone number is 571-272-6208. The examiner can normally be reached Monday through Thursday from 7:30am to 4:00pm and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, please contact the examiner's supervisor, Gary Jackson, at 571-272-4697. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If there are any inquiries that are not being addressed by first contacting the Examiner or the Supervisor, you may send an email inquiry to TC3700_Workgroup_D_Inquiries@uspto.gov.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lindsey Bachman
/L. B./
Examiner, Art Unit 3734
October 17, 2011

/Gary Jackson/
Supervisory Patent Examiner
Art Unit 3734